

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Steinhoff et al.**

Serial No.: **09/498,677**

Filed: **February 7, 2000**

For: **BI-DIRECTIONAL ESD PROTECTION CIRCUIT**

Docket: **TI-29599**

Examiner: **Mondt, J.**

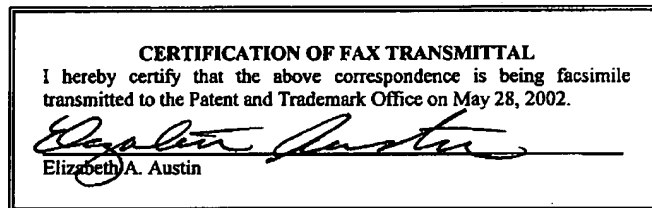
Art Unit: **2826**

Conf. No.: **9140**

ELECTION UNDER 35 USC § 121

May 28, 2002

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231



Dear Sir:

Applicants respectfully traverse Examiner's restriction requirement of March 28, 2002. Therein, Examiner seems to arbitrarily select three groups of figures (1A-1C,2A-2B,3) and states they are patentably distinct species of the claimed invention. Examiner offers no rationale for this arbitrary distinction and further states that no claims seem to be generic.

In a phone conversation with Examiner Mondt and SPE Flynn, applicants reiterated the requirement that "Examiners must provide reasons and/or examples to support conclusions" for their restrictions. (MPEP § 803). Neither Examiner Mondt nor SPE Flynn offered any reasons and/or examples to support their conclusions.

In their response of April 25, 2002, applicants argued that all elements of each of independent claims 1, 21, and 34 are found in each species (1A-1C,2A-2B,3) identified by Examiner. Thus, each independent claim is a generic claim.

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Claims corresponding to each species are identified below.

Figures 1A-1C	Claims 1-4, 6-8, 11-12, 21-28, and 33-41.
Figures 2A-2B	Claims 1-12, 21-28, and 33-41.
Figure 3	Claims 1-4, 6-8, 11, 13, 21-24, 29-37, 40, and 42-43.

Claims 1-4, 6-8, 11, 21-24, 33-37, and 40 are linking claims. Should any of the linking claims be allowed, the restriction must be withdrawn. (MPEP § 809).

Responsive to Examiner's restriction requirement, applicants hereby provisionally elect the species of Figures 2A-2B identified by Examiner with traverse.

Respectfully submitted,



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Examiner: **Mondt, J.**

For: **Bi-Directional ESD Protection Circuit**

Conf. No.: **9140**

CERTIFICATION OF FACSIMILE TRANSMISSION

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NAME OF INVENTOR(S): Steinhoff, Et al.	
RECEIPT DATE & SERIAL NO.: 09/498,677	
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ATTY/SECY: Robert Rountree / E. Austin	

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